

PROCEEDINGS of CONVENTION.

1776.

37. That no senator, delegate of the assembly, or member of the council, if he shall qualify as such, shall hold or execute any office of profit, or receive the profits of any office exercised by any other person during the time for which he shall be elected; nor shall any governor be capable of holding any other office of profit in this state while he acts as such; and no person holding a place of profit, or receiving any part of the profits thereof, or receiving the profits, or any part of the profits, arising on any agency for the supply of cloathing or provisions for the army or navy, or holding any office under the United States, or any of them, or a minister or preacher of the gospel, of any denomination, or any person employed in the regular land service, or marine, of this or the United States, shall have a seat in the general assembly or the council of this state.
38. That every governor, senator, delegate to congress or assembly, and member of the council, before he acts as such, shall take an oath, that he will not receive, directly or indirectly, at any time, any part of the profits of any office held by any other person, during his acting in his office of governor, senator, delegate to congress or assembly, or member of the council, or the profits, or any part of the profits, arising on any agency, for the supply of cloathing or provisions for the army or navy.
39. That if any senator, delegate to congress or assembly, or member of the council, shall hold or execute any office of profit, or receive, directly or indirectly, at any time, the profits, or any part of the profits, of any office exercised by any other person, during his acting as senator, delegate to congress or assembly, or member of the council, his seat, on conviction in a court of law, by the oath of two credible witnesses, shall be void, and he shall suffer the punishment for wilful and corrupt perjury, or be banished this state for ever, or disqualified for ever from holding any office or place of trust or profit, as the court may adjudge.
40. That the chancellor, all judges, the attorney-general, clerks of the general court, the clerks of the county courts, the registers of the land-office, and the registers of wills, shall hold their commissions during good behaviour, removeable only for misbehaviour, on conviction in a court of law.
41. That there be a register of wills appointed for each county, who shall be commissioned by the governor, on the joint recommendation of the senate and house of delegates, and that upon the death, resignation, disqualification, or removal out of the county, by any register of wills in the recess of the general assembly, the governor, with the advice of the council, may appoint and commission a fit and proper person to such vacant office, to hold the same until the meeting of the general assembly.
42. That sheriffs shall be elected in each county by ballot, every third year, that is to say, two persons for the office of sheriff for each county, the one of whom having the majority of votes, or if both have an equal number, either of them, at the discretion of the governor, to be commissioned by the governor for the said office; and having served for three years, such person shall be ineligible for the four years next succeeding; bond with security to be taken every year as usual, and no sheriff shall be qualified to act before the same is given. In case of death, refusal, resignation, disqualification, or removal out of the county, before the expiration of the three years, the other person chosen as aforesaid, shall be commissioned by the governor to execute the said office for the residue of the said three years, the said person giving bond with security as aforesaid, and in case of his death, refusal, resignation, disqualification, or removal out of the county, before the expiration of the said three years, the governor, with the advice of the council, may nominate and commission a fit and proper person to execute the said office for the residue of the said three years, the said person giving bond and security as aforesaid; the election shall be held at the same time and place appointed for the election of delegates, and the justices there summoned to attend for the preservation of the peace shall be judges thereof, and of the qualification of candidates, who shall appoint a clerk to take the ballots. All freemen above the age of twenty-one years, having a freehold of fifty acres of land in the county in which they offer to ballot, and residing therein, and all freemen above the age of twenty-one years, and having property in the state above the value of thirty pounds current money, and having resided in the county in which they offer to ballot one whole year next preceding the election, shall have a right of suffrage; no person to be eligible to the office of sheriff for a county but an inhabitant of the said county, above the age of twenty-one years, and having real and personal property in the state above the value of one thousand pounds current money; the justices aforesaid shall examine the ballots, and the two candidates properly qualified, having in each county the majority of legal ballots, shall be declared duly elected for the office of sheriff for such county, and returned to the governor and council, with a certificate of the number of ballots for each of them.
43. That every person who shall offer to vote for delegates or for the electors of the senate, or for the sheriff, shall (if required by any three persons qualified to vote) before he be admitted to poll, take such oath or affirmation of support and fidelity to this state as this convention or the legislature shall direct.
44. That a justice of the peace may be eligible as a senator, delegate, or member of the council, and may continue to act as a justice of the peace.
45. That no field officer of the militia shall be eligible as a senator, delegate, or member of the council.
46. That all civil officers hereafter to be appointed for the several counties of this state shall have been residents of the county respectively for which they shall be appointed, six months next before their appointment, and shall continue residents of their county respectively during their continuance in office.
47. That the judges of the general court and justices of the county courts may appoint the clerks of their respective courts, and in case of refusal, death, resignation, disqualification, or removal out of the state, or from their respective shores, of the clerks of the general court, or either of them, in the vacation of the said court; and in case of the refusal, death, resignation, disqualification, or removal out of the county, of any of the said county clerks, in the vacation of the county court of which he is clerk, the governor, with the advice of the council, may appoint and commission a fit and proper person to such vacant office respectively, to hold the same until the meeting of the next general court or county court, as the case may be.
48. That the governor for the time being, with the advice and consent of the council, may appoint the chancellor, and all judges and justices, the attorney-general, naval officers, officers in the regular land and sea service, officers of the militia, registers of the land-office, surveyors, and all other civil officers of government (assessors, constables, and overseers of the roads only excepted) and may also suspend or remove any civil officer who has not a commission during good behaviour, and may suspend any militia officer for one month, and may also suspend or remove any regular officer in the land or sea service; and the governor may remove or suspend any militia officer in pursuance of the judgment of a court martial.
49. That all civil officers, of the appointment of the governor and council, who do not hold commissions during good behaviour, shall be appointed annually in the third week of November, but if any of them